

House File 105 - Introduced

HOUSE FILE _____
BY HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the youthful offender status of a juvenile in
2 adult court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1795YH 83
5 jm/nh/5

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1 1 Section 1. Section 232.8, subsection 1, paragraph c, Code
1 2 2009, is amended to read as follows:
1 3 c. Violations by a child, aged sixteen or older, which
1 4 subject the child to the provisions of section 124.401,
1 5 subsection 1, paragraph "e" or "f", or violations of section
1 6 723A.2 which involve a violation of chapter 724, or violation
1 7 of chapter 724 which constitutes a felony, or violations which
1 8 constitute a forcible felony are excluded from the
1 9 jurisdiction of the juvenile court and shall be prosecuted as
1 10 otherwise provided by law unless the court transfers
1 11 jurisdiction of the child to the juvenile court upon motion
1 12 and for good cause. A child over whom jurisdiction has not
1 13 been transferred to the juvenile court, and who is convicted
1 14 of a violation excluded from the jurisdiction of the juvenile
1 15 court under this paragraph, shall be sentenced pursuant to
1 16 section 124.401B, 902.9, or 903.1, unless supervision has been
1 17 transferred to juvenile court pursuant to section 907.3A.

1 18 Notwithstanding any other provision of the Code to the
1 19 contrary, the court may accept from a child a plea of guilty,
1 20 or may instruct the jury on a lesser included offense to the
1 21 offense excluded from the jurisdiction of the juvenile court
1 22 under this section, in the same manner as regarding an adult.
1 23 However, the juvenile court shall have exclusive original
1 24 jurisdiction in a proceeding concerning an offense of animal
1 25 torture as provided in section 717B.3A alleged to have been
1 26 committed by a child under the age of seventeen.

1 27 Sec. 2. Section 232.45, subsection 7, paragraph a, Code
1 28 2009, is amended to read as follows:

1 29 a. The child is ~~fifteen~~ seventeen years of age or younger.

1 30 EXPLANATION

1 31 This bill relates to the youthful offender status of a
1 32 juvenile in adult court.

1 33 The bill provides that a juvenile 17 years of age or
1 34 younger is eligible to be placed on youthful offender status
1 35 in adult court. Current law provides that a juvenile 15 years
2 1 of age or younger is eligible to be placed on youthful
2 2 offender status in adult court.

2 3 A youthful offender is a juvenile waived to the
2 4 jurisdiction of adult court pursuant to the provisions of Code
2 5 section 232.45(7) but is supervised in juvenile court pursuant
2 6 to the provisions of Code section 907.3A.

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